

## REMARKS

Upon entry of the present Amendment A, claims 1-16 remain in the application. Of these, claims 1, 7, 11 and 15 are independent. Claims 1, 5, 7 and 9 are amended herein, and new claims 15 and 16 are added. The amendments are clearly supported in the specification, whereby no new matter is added to the application.

Initially, the applicant would like to thank the Examiner for her helpful remarks during a telephone interview that took place on March 15, 2007. In the telephone interview, the patent reference by Aoki et al (US 5,415,550), put forth by the Examiner as a base reference used in obviousness type rejections of the claims under 35 USC 103, was discussed with respect to the claims.

In particular, the applicant's representative argued that Aoki '550 fails to disclose the claimed selector and/or the claimed simultaneous display on the display unit. The Examiner noted that she considered the functional language used in the claims to permit a very broad interpretation, such that the claimed "selector for selecting" is interpreted to correspond to a selector that is capable of selecting anything. Similarly, the Examiner interpreted the use of the word "for" in the limitation "the display unit comprising a screen for displaying" to correspond to a display that is capable displaying. That is, the Examiner gave no weight to the portion of the limitation following the functional term "for".

In response, the applicant's representative suggested amending the claims to replace "for" with a more positive recitation. For example, "a selector for selecting" can be amended to recite "a selector which selects", whereby the functional language is avoided, and weight can be given to the subsequent portions of the claim limitation. The Examiner appeared to favorably consider

such amendments. However, no determination of patentability with respect to Aoki '550 was discussed, and no agreement was reached.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment A is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### IN THE CLAIMS

##### **Claim Rejections – 35 USC 102**

At item 3 of the Office Action, the Examiner rejected claims 1 and 3 under 35 USC 102(b) as being anticipated by Aoki et al. (US 5,415,550). In the rejection, the Examiner states that Aoki discloses a selector for selecting performance evaluation comments based on operator input in a simulated driving route sequence as claimed, the display unit comprising a screen 400 for simultaneous displaying the simulated operating environment and performance evaluation comments when the driving situation is replayed on the display unit.

#### Applicant's Response

The applicant respectfully disagrees with the rejections of claims 1 and 3 since each claimed feature is not disclosed by Aoki, as is the standard for an anticipatory rejection.

The applicant finds that Aoki discloses a motorcycle riding simulation system directed to providing improved front and rear images for accurate simulation of motorcycle riding conditions. The system may be used for training/instruction of vehicle operators in cooperation with an instructor, and includes a running mode selector, which permits the instructor to

designate a running mode (ie, ordinary road mode, traffic confusion mode, dangerous condition mode, etc.) (col. 8, line 66 -col. 9, line 12). Generated video output is recorded by a video image signal recording apparatus 32, and after simulation completion, problems of the riding method can be explained by the instructor to the rider while showing the reproduced picture image (col. 11, line 65 - col. 12, line 3; col. 20, line 44-50).

As regards the rejection of claim 1, Aoki fails to disclose a selector for selecting performance evaluation comments, as claimed. The applicant notes that Aoki discloses a selector (Abstract, col. 25, lines 9-13) which permits selection of a running mode, but disagrees that the disclosed selector performs a function corresponding to selection of performance evaluation comments, as is claimed by the applicant. In particular, the applicant notes that the system of Aoki does not “select”, but instead permits an operator of the system to make a selection. This is different than the claimed apparatus which comprises a selector which selects performance evaluation comments. That is, the claimed apparatus does not require an instructor to select or identify appropriate performance evaluation comments, and the apparatus performs the selection without input from the user or an instructor.

In addition, the applicant disagrees that selection of an operating mode, regardless of whether the system makes the selection or whether an operator makes a selection, anticipates selection of performance evaluation comments, since an operating mode of a vehicle, or of a simulator, is clearly unrelated to performance evaluation and commentary on performance evaluation.

Moreover, the applicant disagrees that Aoki discloses a display unit which simultaneously displays the simulated operating environment and the performance evaluation comments when the driving simulation is replayed on the display unit, as claimed. In particular,

Aoki does not disclose superimposing text or images comprising performance evaluation comments on the video image of the recording of the corresponding action by the rider during a simulated operation. Instead, Aoki clearly discloses that while the video image is replayed, the instructor may provide instructive commentary to the rider (col. 20, lines 44-50), whereby the comments are spoken by the instructor, not displayed or audibly produced by the system.

Aoki discloses the display 408 as showing only the forward view image of scenery viewed by the rider/operator. Although Aoki discloses providing a television display 30 for the instructor, and although the display 30 includes plural areas (TV, 35, 37, 38) in which different outputs from the video signal composer 26 are displayed simultaneously, the display 30 is disclosed as provided for (used by) the instructor, the image viewed by the rider consists only of the replay of the simulation as displayed on the flat screen display 408 via video projector 402, and Aoki does not disclose displaying performance evaluation comments on any portion of the display 30. Thus simultaneous display of the simulated operating environment and performance evaluation comments are not disclosed by Aoki.

Although the applicant disagrees with the rejection of claim 1, based on the comments of the Examiner presented in the telephone interview of March 15, 2007, the applicant has amended claim 1 herein to replace the so-called functional language associated with the use of the word “for” with more positive recitations. Thus claim 1 now recites a driving simulation apparatus which allows a student operator to simulate driving, which selects performance evaluation comments, and which simultaneously displays the simulated operating environment and performance evaluation comments. As discussed above, these features are not disclosed or suggested in the prior art.

In the rejection of claim 3, the Examiner states that Aoki discloses a speaker (col. 4, lines 65-67) for reading the performance evaluation commentary aloud upon reproduction thereof on the display unit.

#### Applicant's Response

The applicant disagrees with the rejection of claim 3 for the reasons presented above with respect to claim 1, from which claim 3 depends. In addition, the applicant disagrees that the speaker of Aoki reads out performance evaluation commentary, as claimed. Instead, Aoki discloses that a pair of speakers SP are provided to enhance the stereo acoustic effect of the left and right channels on the rider, and that a artificial sound generator is provided to drive the loudspeakers SP to generate artificial sounds of the surroundings of the running position of the self motorcycle (col. 8, lines 12-18). Aoki does not disclose that the system provides audio commentary of any kind, since the instructor is present and provides instructive commentary (col. 20, lines 44-50), and Aoki merely discloses generation of appropriate sound effects, and output thereof via speakers SP.

Thus, the applicant disagrees that the limitations of claims 1 and 3 are anticipated by Aoki et al., and respectfully requests reconsideration and withdrawal of the rejections thereof.

#### **Claim Rejections – 35 USC 103**

At item 5 of the Office Action, the Examiner rejected claim 2 under 35 USC 103(a) as being unpatentable over Aoki et al. in view of Huston (US 6,146,143). In the rejection, the Examiner states that Aoki discloses an interactive driving simulation apparatus, but fails to disclose a selector that selects only a scene at which an unsafe action was performed by the

operator within the simulated driving route sequence, and matches performance evaluation comments corresponding to said scene at which an unsafe action was performed to the operator's recorded performance, and wherein said display screen displays only the scene at which the unsafe action was performed and the performance evaluation comments. The Examiner further states that Huston teaches the claimed features at col. 8, lines 23-56, and that it would have been obvious to modify Aoki to include the selector of Huston so that a developer can show the user what driving methods were performed incorrectly.

#### Applicant's Response

The applicant disagrees with the rejection of claim 2 for the reasons presented above with respect to claim 1, from which claim 2 depends. In addition, the applicant disagrees that Huston discloses or suggests the features recited in claim 2.

Upon review of Huston, the applicant finds that Huston discloses a vehicle simulation system in which a first user (student) participates in the simulation by operating vehicle control devices 8 in a driving station 2 in response to a sequence of visual images, and in which a second user (instructor) defines one or more traffic events and presents the traffic events during a simulation session to the first user (col. 5, lines 52-67). Huston discloses that the system allows the first user to view his performance during a simulation. Specifically, software presents statistical information pertaining the recently completed simulation session. The statistics may be presented graphically on the monitor 31, and include data such as elapsed time, speed limit conformance, etc. (col. 8, lines 23-37). In addition, Huston discloses that the system allows the second user, such as a driving instructor, to revisit portions of the simulation session either during the course of the simulation or afterward. That is, the second user is permitted to selectively stop and freeze, or replay, the displayed image on the video means 6 so that the

second user/instructor may discuss a driving situation with the first user (col. 8, lines 38-56).

The applicant disagrees that Aoki discloses the claimed selector, and submits that modification of Aoki by the teachings of Huston does not cure this defect. In addition, the applicant disagrees that Huston discloses a selector which discloses or suggests the features recited in claim 2. In particular, Huston does not disclose a system in which a selector selects a scene, but instead discloses a system in which the instructor is permitted to revisit portions of the simulation session either during the course of the simulation or afterward (col. 8, lines 38-56).

In addition, Huston does not disclose a system which provides performance evaluation comments, but instead, like the disclosure of Aoki, relies on the instructor to provide commentary during replay of video (col. 8, lines 45-47). The applicant disagrees with the Examiner's apparent interpretation of Huston's disclosure of presentation of statistical information as corresponding to the claimed performance evaluation commentary. Commentary is commonly understood to mean a spoken or written explanation, and thus cannot be reasonably interpreted to include statistical data. According to MPEP 2111.01, the words of the claim must be given their plain meaning. Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are to be construed to mean exactly what they say. Thus, statistical data summarizing elapsed time, conformance to speed limits and other measures cannot be construed to correspond to the claimed to commentary.

Thus, the applicant disagrees that the limitations of claim 2 are made obvious by Aoki et al. in view of Huston, and respectfully requests reconsideration and withdrawal of the rejection.

At item 6 of the Office Action, the Examiner rejected claim 4 under 35 USC 103(a) as

being unpatentable over Aoki et al. in view of Copperman (US 5,474,453) and Huston (US 6,146,143). In the rejection, the Examiner states that Aoki discloses an interactive driving simulation apparatus, but fails to disclose a display unit operable to pause the replay and to display a still-screen image in which the simulated operating environment and performance evaluation commentary are simultaneously displayed thereon. The Examiner cites Copperman '453 as teaching a display unit operable to pause the replay (col. 16, lines 5 and 6), and to display a still-screen image of the simulated operating environment, but further states that Copperman '453 fails to disclose wherein the performance commentary are simultaneously displayed thereon. The Examiner cites Huston (col. 8, lines 23-36) as teaching simultaneous display of performance evaluation commentary.

#### Applicant's Response

The applicant disagrees with the rejection of claim 4 for the reasons presented above with respect to claim 1, from which claim 4 depends. In addition, the applicant disagrees that Aoki, as modified by Copperman and Huston, discloses or suggests the features recited in claim 4.

Upon review of Copperman '453, the applicant finds that Copperman '453 discloses a programmable vehicle simulator which permits development of new simulation scenarios by the user of the simulation system.

Although Copperman '453 discloses a system function in which the display of a recorded simulation is paused and a still-screen image is displayed, the applicant notes that Copperman '453 discloses this function is used in conjunction with the programming of a simulation, and is not disclosed as part of a replay of a recorded data corresponding to an operator's simulated driving situation.

As regards the teachings of Huston as applied to the combination of Aoki and Copperman



‘453, the applicant disagrees that Huston teaches simultaneous display of performance evaluation commentary. Instead, Huston clearly discloses display of statistical information on the display 31 found at the input device station 3 (see Fig. 1) used by the second user/instructor, and further clearly discloses that the second user is permitted to selectively stop and freeze the image appearing on video means 6 (ie, at the driving station 2) so that the second user/instructor may discuss a driving situation with the first user (col. 8, lines 44-46). Thus, Huston does not provide a teaching of simultaneous display on the display screen of performance evaluation commentary and an image of a scene at which an unsafe action was performed, as claimed by the applicant.

The applicant disagrees with the Examiner’s interpretation of Hustons’s disclosure of presentation of statistical information as corresponding to the claimed performance evaluation commentary. Commentary is commonly understood to mean a spoken or written explanation, and thus cannot be reasonably interpreted to include statistical data. According to MPEP 2111.01, the words of the claim must be given their plain meaning. Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are to be construed to mean exactly what they say. Thus, statistical data summarizing elapsed time, conformance to speed limits and other measures cannot be construed to correspond to the claimed to commentary.

Thus, the applicant disagrees that the limitations of claim 4 are made obvious by Aoki as modified by Copperman ‘453 and Huston.

At item 7 of the Office Action, the Examiner rejected claims 5 and 6 under 35 USC 103(a) as being unpatentable over Aoki et al. in view of Copperman (US 5,474,453). In the rejection of claim 5, the Examiner states that Aoki discloses an interactive driving simulation

apparatus, but fails to disclose a display unit that reproduces the screen image at a normal replay speed or temporarily pauses the replay and displays a still-screen image at a selected driving situation, and performs fast-feeding replay or skipping replay at scenes other than the selected driving situation. The Examiner cites Copperman '453 as teaching reproducing a screen image at normal replay speed or temporarily pausing the replay (col. 16, lines 5-6), displaying a still-screen image at a selected driving situation (col. 16, lines 38-39), and performing fast feed or skipping of a replay at scenes other than the selected driving situation (col. 22, lines 35-39).

#### Applicant's Response

The applicant disagrees with the rejection of claim 5 for the reasons presented above with respect to claim 1, from which claim 5 depends.

In the rejection of claim 6, the Examiner states that Aoki discloses an interactive driving simulation apparatus, but fails to disclose a display unit that is operable function without requiring input from any person other than the student operator during testing and replay. The Examiner cites Copperman '453 as providing a teaching of an apparatus that is operable without requiring input from any person other than the student operator during testing and replay (col. 4, lines 30-32).

#### Applicant's Response

The applicant disagrees with the rejection of claim 6 for the reasons presented above with respect to claim 1, from which claim 6 depends.

At item 8 of the Office Action, the Examiner rejected claims 7 and 9-10 under 35 USC 103(a) as being unpatentable over Aoki et al. in view of Copperman (US 5,660,547). In the

rejection of claims 7 and 9, the Examiner states that Aoki discloses an electromechanical simulator 300 comprising a support frame 302, handle bar 308, pedal mechanism (inherent part of a motorcycle), a plurality of sensors (col. 5, lines 48-55), a recorder 532, a processor (10 and/or 11), and a display screen 400 for simultaneously displaying the simulated operating environment and the performance evaluation comments as claimed. The Examiner further states that Aoki fails to disclose an apparatus that is capable of recording a specific performance of a driving routine and replaying the specific performance on the display unit after the real time driving routine is completed (as claimed in claim 1), and Aoki fails to disclose selected features which are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (as claimed in claim 9).

The Examiner cites Copperman '547 as teaching an apparatus capable of recording a specific performance of a driving routine (col. 47, lines 16-19), and replaying the specific performance on the display unit after the real-time driving routine is completed (col. 38, lines 61-65), and further states that Copperman '547 discloses selected features which are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (col. 39, lines 43-56).

#### Applicant's Response

The applicant respectfully disagrees with the rejections of claims 7 and 9 since each claimed feature is not disclosed or suggested by Aoki as modified by Copperman '547.

Upon review of Copperman '547, the applicant finds that Copperman '547 discloses a programmable vehicle simulator which permits development of new simulation scenarios by the user of the simulation system. In the disclosed system, a developer uses the vehicle controls, the computer and output devices to develop a simulation scenario for an automobile.

As regards the rejection of claim 7, the applicant disagrees that Aoki discloses a display unit which simultaneously displays the simulated operating environment and the performance evaluation comments when the driving simulation is replayed on the display unit, as claimed. In particular, Aoki does not disclose superimposing text or images comprising performance evaluation comments on the video image of the recording of the corresponding action by the rider during a simulated operation. Instead, Aoki clearly discloses that while the video image is replayed, the instructor may provide instructive commentary to the rider (col. 20, lines 44-50), whereby the comments are spoken, not displayed.

Moreover, Aoki discloses the display 408 as showing only the forward view image of scenery viewed by the rider/operator. Although Aoki discloses providing a television display 30 for the instructor, and although the display 30 includes plural areas (TV, 35, 37, 38) in which different outputs from the video signal composer 26 are displayed simultaneously, the display 30 is disclosed as provided for (used by) the instructor, the image viewed by the rider consists only of the replay of the simulation as displayed on the flat screen display 408 via video projector 402, and Aoki does not disclose displaying performance evaluation comments on any portion of the display 30. Thus, simultaneous display of the simulated operating environment and of performance evaluation comments are not disclosed by Aoki. Moreover, this deficit is not cured by the teachings of Copperman '547, who discloses that the video display displays either a video image of the simulation scenario, or alternatively displays programming menus. Copperman '547 does not disclose the claimed simultaneous display, nor does Copperman '547 disclose providing performance evaluation comments on the display.

Copperman clearly discloses pre-programming the simulation system to pre-select portions of the student's path to be replayed subsequent to the student finishing the scenario (col.

38, line 52-col. 39, line 6). However, because Copperman '547 discloses pre-programming selected portions which are anticipated to provide a particular event for use in teaching purposes, the applicant disagrees that Copperman '547 discloses replaying a portion of the student's path based on when the student operator fails to perform at or above a specified level, as claimed by the applicant. By selecting for review only those portions at which the student operator has poor performance, the length of the review process provided by the applicant's system is reduced relative to a system such as disclosed by Copperman '547.

Although the applicant disagrees with the rejection of claim 7, based on the comments of the Examiner presented in the telephone interview of March 15, 2007, the applicant has amended claim 7 herein to replace the so-called functional language associated with the use of the word "for" with more positive recitations. Thus claim 7 now recites an electromechanical simulator which interacts with a student operator, which records specific performance data, which compares specific performance data, which selects performance evaluation comments, and which simultaneously displays the simulated operating environment and performance evaluation comments. As discussed above, these features are not disclosed or suggested in the prior art.

As regards the rejection of claim 9, the applicant disagrees that the claimed limitations are made obvious by the disclosure of Copperman '547. Copperman '547 discloses a plurality of input devices 104-112 (Fig. 1), including a turn signal lever 104, dashboard switches 105, brake pedal 106, key ignition 107, gas pedal 108, transmission shifter 110, and steering wheel 112, used by a user to navigate through the simulated environment, as well as rocker switches 182, 184, 186 which permit a user to move within and select between various menu choices and or end a simulation or development sequence. The applicant submits that in all cases Copperman

uses the input devices 104-112 to navigate through the simulated environment, and in all cases uses the rocker switches 182, 184, 186 to make selections from various menus. Thus, Copperman does not use the input devices 104-112 to perform a different set of functions when the user performs a real-time driving route sequence than when in a play-back of a recorded performance.

In the rejection of claim 9, the Examiner appears to interpret the phrase “selected features” to correspond to the feature of Copperman whereby the view displayed on the display unit may be either a “student’s eye view” and an “overhead view”, and the disclosure in which a student’s eye view is used during the driving route sequence, and the overhead view may be used during the play-back of the recorded performance. Thus, the applicant has amended claim 9 herein to replace the term “selected features” with “selected input devices”, in order to more clearly define the applicant’s invention, and distinguish it from the cited references.

Thus, the applicant disagrees that the limitations of claims 7 and 9 are made obvious by Aoki et al. in view of Copperman ‘547, and respectfully requests reconsideration and withdrawal of the rejection.

In the rejection of claim 10, the Examiner states that Aoki discloses a speaker (col. 4, lines 65-67) for generating an audible reproduction of the selected performance evaluation commentary.

#### Applicant’s Response

The applicant disagrees with the rejection of claim 10 for the reasons presented above with respect to claim 7, from which claim 10 depends. In addition, the applicant disagrees that the speaker of Aoki reads out performance evaluation commentary, as claimed. Instead, Aoki

discloses that a pair of speakers SP is provided to enhance the stereo acoustic effect of the left and right channels on the rider, and that an artificial sound generator is provided to drive the loudspeakers SP to generate artificial sounds of the surroundings of the running position of the self motorcycle (col. 8, lines 12-18). Aoki does not disclose that the system provides audio commentary of any kind, since the instructor is present and provides instructive commentary (col. 20, lines 44-50), and Aoki merely discloses generation of appropriate sound effects, and output thereof via speakers SP.

Thus, the applicant disagrees that the limitations of claim 10 are made obvious by Aoki et al. in view of Copperman '547, and respectfully requests reconsideration and withdrawal of the rejection.

At item 9 of the Office Action, the Examiner rejected claim 8 under 35 USC 103(a) as being unpatentable over Aoki et al. in view of Copperman '547 and further in view of Copperman '453. In the rejection, the Examiner states that Aoki/Copperman '547 disclose the driving simulation apparatus of claim 7, but fail to disclose an apparatus operable without requiring input from any person other than the student operator during testing and replay, and considers Copperman '453 to provide a teaching of an apparatus that is operable without requiring input from any person other than the student operator during testing and replay.

#### Applicant's Response

The applicant disagrees with the rejection of claim 8 for the reasons presented above with respect to claim 7, from which claim 8 depends.

At item 10 of the Office Action, the Examiner rejected claim 11 under 35 USC 103(a) as

being unpatentable over Schuster (US 3,577,857) in view of Aoki et al.. In the rejection, the Examiner states that Shuster discloses the claimed method except for the limitation of 11d), that is, replaying selected scenes from the simulation course superimposed with selected evaluation comments corresponding to the operators recorded responses for each testing situation in which the operators responses fail to perform at or above a specified level. The Examiner further states that Aoki teaches the method step (col. 11, line 67-col. 12, line 3), and considers it obvious to modify Schuster to include replaying selected scenes as disclosed by Aoki in order to show the user problems that were made during riding.

#### Applicant's Response

The applicant disagrees that the disclosure of Schuster, as modified by the teachings of Aoki, make obvious the claimed invention.

The applicant finds that Shuster discloses a driver trainer simulator which provides a realistic simulation of a crash situation through use of a simulator head unit 12 worn by a user. The head unit is configured to provide crash sounds through ear speakers 44 and block the vision of the user via a blinder 30 in response to a presentation of a crash scene on a projection screen 18.

The applicant disagrees that Schuster discloses comparing the operator's responses to pre-recorded baseline data, as claimed by the applicant. Rather, Shuster discloses presenting the user with "realistic" consequences of certain incorrect responses during a driving simulation via the head unit, and feeding back the audible response of the student to the computer, but does not otherwise disclose a comparison of the operator's responses to prerecorded data.

In addition, the applicant disagrees that Aoki discloses replaying selected scenes on the display screen while superimposing text or images comprising performance evaluation



comments on the video image of the recording of the corresponding action by the rider during a simulated operation. Instead, Aoki clearly discloses that while the video image is replayed, the instructor may provide instructive commentary to the rider (col. 20, lines 44-50), whereby the comments are spoken by the instructor, not displayed or audibly produced by the system.

Thus, the applicant disagrees that the limitations of claim 11 are made obvious by Schuster in view of Aoki et al., and respectfully requests reconsideration and withdrawal of the rejection.

At item 11 of the Office Action, the Examiner rejected claim 12 under 35 USC 103(a) as being unpatentable over Schuster in view of Aoki et al., and further in view of Copperman '453. In the rejection, the Examiner states that Shuster/Aoki disclose the method of claim 11, but fail to disclose that the method is performable without requiring input from any person other than the student operator during testing and replay, and considers Copperman '453 to provide a teaching of an apparatus that is operable without requiring input from any person other than the student operator during testing and replay.

#### Applicant's Response

The applicant disagrees with the rejection of claim 12 for the reasons presented above with respect to claim 11, from which claim 12 depends.

At item 12 of the Office Action, the Examiner rejected claim 13 under 35 USC 103(a) as being unpatentable over Schuster in view of Aoki et al., and further in view of Hitachi LTD (JP 02-043591). In the rejection, the Examiner states that Shuster/Aoki disclose the method of claim 11, but fail to disclose a further step of generating an audible performance evaluation

commentary upon visual reproduction thereof on said display unit. The Examiner cites Hitachi LTD as teaching the step of generating an audible performance evaluation commentary upon visual reproduction thereof on the display unit (Abstract), and considers it obvious to modify Schuster/Aoki by the teachings of Hitachi in order to impress more presence to the trainee.

#### Applicant's Response

The applicant disagrees with the rejection of claim 13 for the reasons presented above with respect to claim 11, from which claim 13 depends.

In addition, the applicant disagrees that Hitachi discloses generating an audible performance evaluation commentary upon visual reproduction thereof on said display unit. Instead, the Abstract of Hitachi discloses “output of an effective sound in accordance with the content displayed”, and clearly states that “at the time of outputting the simulated result of a simulator device 1 to the CRT display device 3 through a CRT display control device 2, the simulated contents and a sound relating to the contents are combined and outputted from a speaker 5....” The applicant disagrees that “an effective sound” and “a sound relating to the contents” can reasonably be interpreted to imply generation of “an audible performance evaluation commentary” as claimed, and submits that the disclosed “effective sound” “relating to the contents consists of sound effects (ie, environmental sounds, traffic noise, crash sounds) provided during the simulation, as is well known in the art. There is no suggestion in the disclosure of Hitachi to suggest that such sounds might include evaluation commentary, and thus the Examiner appears to be using improper hindsight of the applicant's invention in making the rejection of claim 13.

Thus, the applicant disagrees that the limitations of claim 13 are made obvious by Schuster in view of Aoki et al., and further in view of Hitachi, and respectfully requests

reconsideration and withdrawal of the rejection.

At item 13 of the Office Action, the Examiner rejected claim 14 under 35 USC 103(a) as being unpatentable over Schuster in view of Aoki et al., and further in view of Copperman '453 and Huston. In the rejection, the Examiner states that Shuster/Aoki disclose the method of claim 11, but fail to disclose a replay paused to display a still-screen image when the simulated operating environment and performance evaluation commentary are simultaneously displayed thereon. The Examiner cites Copperman '453 as teaching pausing a replay to display a still screen image, but notes that Copperman '453 does not disclose simultaneously displaying the performance evaluation commentary thereon. The Examiner cites Huston as teaching the performance evaluation commentary simultaneously displayed thereon (col. 8, lines 23-36).

#### Applicant's Response

The applicant disagrees with the rejection of claim 14 for the reasons presented above with respect to claim 11, from which claim 14 depends.

In addition, the applicant disagrees that Huston teaches simultaneous display of performance evaluation commentary. Instead, Huston clearly discloses display of statistical information on the display 31 found at the input device station 3 (see Fig. 1) used by the second user/instructor, and further clearly discloses that the second user is permitted to selectively stop and freeze the image appearing on video means 6 (ie, at the driving station 2) so that the second user/instructor may discuss a driving situation with the first user (col. 8, lines 44-46). Thus, Huston does not provide a teaching of simultaneous display on the display screen of performance evaluation commentary and an image of a scene at which an unsafe action was performed, as claimed by the applicant.

The applicant disagrees with the Examiner's interpretation of Huston's disclosure of presentation of statistical information as corresponding to the claimed performance evaluation commentary. Commentary is commonly understood to mean a spoken or written explanation, and thus cannot be reasonably interpreted to include statistical data. According to MPEP 2111.01, the words of the claim must be given their plain meaning. Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are to be construed to mean exactly what they say. Thus, statistical data summarizing elapsed time, conformance to speed limits and other measures cannot be construed to correspond to the claimed to commentary.

Thus, the applicant disagrees that the limitations of claim 14 are made obvious by Schuster in view of Aoki et al., and further in view of Copperman '453 and Huston, and respectfully requests reconsideration and withdrawal of the rejection.

### **Other Matters**

The applicant has further amended claim 1 herein to correct the term "the driving situation", which lacked antecedent basis. This term is replaced with "the driving route sequence", which has antecedent basis earlier in the claim. Claim 5 is correspondingly amended to provide consistency in terminology throughout the claim series. No new matter is added by these amendments.

New claims 15 and 16 are added herein. Claim 15 is an independent claim, and incorporates revised versions of the limitations of claims 1 and 9. Thus this claim is supported by the original specification, including claims, so that no new matter is added. Moreover, this claim avoids rejection in view of the prior art for the reasons stated above with respect to claims

1 and 9. Claim 16 depends from claim 15, and recites that the selector selects performance evaluation comments from a pre-stored list of performance evaluation comments. This feature is fully supported in the original specification at paragraphs 80 and 81, and is not disclosed or suggested in the cited prior art references in which an instructor must be available to verbally provide performance evaluation commentary.

### **Conclusion**

In conclusion, the applicant has overcome the Examiner's rejections of record. While the applicant has considered all of the references of record, it is respectfully submitted that the interactive driving simulation apparatus as defined by the present claims, is believed to be allowable over all of the prior art of record.

If the Examiner is not fully convinced of the allowability of all of the claims now in the application, the applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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